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10/031,056	01/15/2002	Mao Uong Neil	RCA 89577	8698
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		EXAMINER		
		CHOWDHURY, SUMAIYA A		
		ART UNIT		PAPER NUMBER
		2623		
		MAIL DATE		DELIVERY MODE
		09/17/2008		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/031,056

Applicant(s)

NEIL ET AL.

Examiner

SUMAIYA A. CHOWDHURY

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/24/08 have been fully considered but they are not persuasive.

(a) Applicant argues "...This is unlike the present claimed arrangement in which the displayed program content is dependent on whether a cell in the program grid or a cell in the channel grid is highlighted..." on page 6, 2nd paragraph of the Remarks.

The Examiner disagrees. The Examiner interprets the Alexander reference as follows. The user initially selects a channel from the channel grid of the EPG which causes the PIP window to display the corresponding program. The user then selects the lock function which locks the PIP window from displaying any other content which the user selects in the EPG. Thereafter, the user clicks on programs on the program grid which have no effect on the video displayed in the PIP window. Afterwards, the user selects the unlock function and then selects a different channel in the channel grid which causes the video in the PIP window to change to the video currently being transmitted on the selected channel. The claim as recited does not preclude such a scenario.

(b) Applicant argues "Moreover, Alexander neither discloses nor suggests "determining whether a cell in a channel grid of the program guide has been highlighted"..." on page 7, 2nd paragraph of the Remarks.

Alexander certainly discloses both determining whether a cell in a channel grid is selected and determining whether a cell in a program grid is selected. Alexander teaches displaying the corresponding content when either a channel grid cell or program grid cell in the unlock mode is selected. In order to do so, the type of cell selected needs to be determined.

(c) Applicant argues "...there is no reason or motivation for Alexander to determine...because Alexander does not differentiate between a channel grid and a program grid of the program guide" on page 7, 2nd paragraph.

Alexander certainly teaches differentiating between a channel grid and a program grid. Referring to Fig. 4A-5, Alexander illustrates a channel grid comprising the channels ABC, FOX, CBS, etc., and a program grid comprising the programs EARLY EDITION, MISS AMERICA PAGEANT, etc. Furthermore, as illustrated in Fig. 4A, channel ABC from the channel grid is selected, and in Fig. 5, STAR TREK from the program grid is selected.

(d) Applicant argues "The present claimed arrangement provides for display of program content based on a highlighted cell in either a program or channel grid and not based on the status of a locked and unlocked function mode" on page 9, 2nd paragraph.

As discussed above in 1(a), the claim as recited does not preclude the scenario in which the status of the program guide can be switched between locked and unlocked status.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander (WO 99/04561).

As for claim 1, Alexander teaches a method of processing a program guide, comprising the steps of :

determining whether a channel grid has been highlighted (The processor determines whether the channel grid or program grid has been highlighted and displays the corresponding program in the PIP window accordingly. - p. 12, line 35 – p. 13, line5, p. 3, lines 18-30);

determining whether a program grid has been highlighted (p. 3, lines 18-30);
displaying, in response to the previous determining steps, program content of a program currently being received by a channel indicated by the highlighted channel grid, if a channel grid has been highlighted and

continuing to display the same program content, in response to the previous determining steps, if the cell in the program grid has been highlighted, wherein the

same programming content will continue to be displayed until a different cell corresponding to a different channel in said channel grid is highlighted, upon highlighting the different cell in said channel grid, the programming content of a second program which is currently being received by said different channel corresponding to the different cell that is highlighted is displayed (The user initially selects a channel from the channel grid of the EPG which causes the PIP window to display the corresponding program. The user then selects the lock function which locks the PIP window from displaying any other content which the user selects in the EPG. Thereafter, the user clicks on programs on the program grid which have no effect on the video displayed in the PIP window. Afterwards, the user selects the unlock function and then selects a different channel in the channel grid which causes the video in the PIP window to change to the video currently being transmitted on the selected channel. (Fig. 1). [p. 4, lines 11-21, p. 17, lines 24-26])

As for claim 2, Alexander teaches wherein the program content is displayed in a video window (12 – Fig. 1; p. 4, line 5).

As for claims 3 and 8, Alexander teaches wherein the video window or display window (12 – Fig. 1) is shown along with the program guide (22 – Fig. 1; p. 4, lines 3-21).

As for claim 4, Alexander teaches wherein the determining steps are entered into in response to a user selecting a user selectable option (p. 4, lines 11-20).

As for claims 5 and 10, Alexander teaches wherein the channel grid comprises channel name (ABC, FOX, etc. – Fig. 1).

As for claims 6 and 11, Alexander teaches wherein the program grid comprises program title (Prime Time Live – Fig. 1).

As for claim 7, Alexander teaches an apparatus, comprising:

- a user control device (26 – Fig. 1; p. 3, line 18-19);
- a display window for displaying a video program (12 – Fig. 1; p. 4, line 5);
- a control means (processor) for displaying a program guide (22 – Fig. 1); and

wherein the control means providing a first mode of operation in which when a channel grid is highlighted by the user control device, the display window will display program content of a program currently being received by a channel indicated by the highlighted channel grid; and a second mode of operation in which when a program grid is highlighted by the user control device, the program content of the display window does not change, wherein the programming content will continue to be displayed only until a different cell corresponding to a different channel in said channel grid, not the program grid, is highlighted, upon highlighting the different cell in said channel grid, the programming content of a second program which is currently being received by said

different channel corresponding to the different cell that is highlighted (The user initially selects a channel from the channel grid of the EPG which causes the PIP window to display the corresponding program. The user then selects the lock function which locks the PIP window from displaying any other content which the user selects in the EPG. Thereafter, the user clicks on programs on the program grid which have no effect on the video displayed in the PIP window. Afterwards, the user selects the unlock function and then selects a different channel in the channel grid which causes the video in the PIP window to change to the video currently being transmitted on the selected channel. (Fig. 1). [p. 4, lines 11-21, p. 17, lines 24-26])

As for claim 9, Alexander teaches the control means enters into the two modes of operation in response to the user control device (p. 4, lines 11-20).

As for claims 12-13, Alexander teaches wherein the cells in the program grid and channel grid are independently selectable (p. 4, lines 11-20, p. 3, lines 22-25).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

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Examiner, Art Unit 2623